

CL-19-5608-A

CAUSE NO. _____

DANIEL VASQUEZ AND ROCIO	S	IN THE COUNTY COURT
VASQUEZ AS NEXT FRIENDS	S	
OF D.K.V., A CHILD,	S	
Plaintiffs	S	
	S	AT LAW NUMBER _____
VS.	S	
	S	
IDEA PUBLIC SCHOOLS,	S	
Defendant	S	HIDALGO COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR INJUNCTIVE RELIEF

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW DANIEL VASQUEZ and ROCIO VASQUEZ AS NEXT FRIENDS OF D.K.V., A CHILD, Plaintiffs, complains of IDEA PUBLIC SCHOOLS, Defendant, and for cause of action would respectfully show unto the Court as follows:

1.

Plaintiffs assert that this case falls within level 2 of the discovery rules.

2.

Plaintiffs are natural persons - husband and wife - domiciled in Hidalgo County, Texas, and who are the parents of D.K.V., a child. Defendant IDEA PUBLIC SCHOOLS, is on information and belief a corporation organized under the laws of the State of Texas domiciled and/or doing business in Hidalgo County, Texas who may be served with process as follows:

IDEA PUBLIC SCHOOLS
By serving its Principal, Mayra Martinez
325 Kansas
Alamo, Texas 78516.

3.

Plaintiffs are the parents of D.K.V., a disabled child who attends school at IDEA PUBLIC SCHOOLS College Prep Alamo campus. D.K.V. qualifies as a disabled

CL-19-5608-A

child under Section 504 of the Rehabilitation Act of 1973.

4.

Plaintiffs and Defendants have had numerous discussion regarding the child. Plaintiffs recently learned that Defendant had no behavior improvement plan in place for the child since 2015. Plaintiffs grew dissatisfied with Defendant and filed a due process appeal to the TEA. See Exhibit 1.

5.

Defendant has scheduled an expulsion hearing for D.K.V. on October 28, 2019 at 4:30 p.m. See Exhibit 2.

6.

The Idea Public Schools Student And Parent Handbook states at page 56:

Suspension/Expulsion Requirement

A student with a disability shall not be removed from his or her current placement for disciplinary reasons and/or pending appeal to the Board of Directors for more than ten days without ARD Committee action to determine appropriate services in the interim and otherwise in accordance with applicable federal and state law. *If a special education due process appeal to a TEA special education hearing officer is made, the student with a disability shall remain in the then current education setting in place at the time such appeal is noticed to IPS, unless IPS and the student's parents agree otherwise.*

Idea Public Schools Student And Parent Handbook. page 56 [italicized boldface emphasis added].

7.

Defendant is attempting to wrongfully go forward with the expulsion hearing and wrongfully expel D.K.V. even though the Defendant's own rules provide that the student shall remain in the then current education setting in place at the time such appeal is noticed to IPS, meaning

Exhibit A

CL-19-5608-A

that the student shall NOT BE EXPELLED.

8.

The child's educational discipline history is unique, and no amount of money could compensate Plaintiffs and their child for the loss of due process and loss of reputation should the Defendant be allowed to go forward with the expulsion and expulsion hearing.

9.

Plaintiffs and their child will be irreparably harmed unless the Court intervenes to enjoin the expulsion hearing and expulsion of D.K.V. because the loss of due process and loss of reputation would leave Plaintiffs with damage to the child's educational discipline history and would be wrongful in that Defendant's own policies prohibit expulsion while a due process appeal is pending with the Texas Education Agency.

10.

The affidavit of DANIEL VASQUEZ, Plaintiff, is attached hereto as Exhibit 3 and is incorporated by reference as if set forth at length herein.

11.

Plaintiffs seek to restrain the Defendant from (1) conducting an expulsion hearing for D.K.V.; (2) taking any action to expel D.K.V. as a student at IDEA PUBLIC SCHOOLS or IDEA ALAMO COLLEGE PREP or any school owned or affiliated with IDEA PUBLIC SCHOOLS; (3) taking any action to remove D.K.V. from the current education setting in place when Defendant was notified of the due process appeal on or about October 25, 2019.

12.

Plaintiffs further seeks a declaratory judgment that Defendant is barred from conducting an expulsion hearing for D.K.V. or from expelling D.K.V. while the due process appeal to the Texas Education Agency is pending.

CL-19-5608-A

13.

Plaintiffs pray that the pursuant to the Texas Declaratory Judgments Act, Plaintiffs be awarded their reasonable attorney's fees for pursuing the declaratory judgment action, with a contingent award in the event of appeal.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that:

1. A temporary restraining order be issued without notice to Defendant, restraining Defendant, its attorneys, trustees, substitute trustees, agents, servants, representatives, assignees, substitutes, and employees, from (1) conducting an expulsion hearing for D.K.V.; (2) taking any action to expel D.K.V. as a student at IDEA PUBLIC SCHOOLS or IDEA ALAMO COLLEGE PREP or any school owned or affiliated with IDEA PUBLIC SCHOOLS; (3) taking any action to remove D.K.V. from the current education setting in place when Defendant was notified of the due process appeal on or about October 25, 2019.

2. Defendant be cited to appear and show cause and that on such hearing, a temporary injunction be issued, enjoining Defendant, its attorneys, trustees, substitute trustees, agents, servants, representatives, assignees, substitutes, and employees, from (1) conducting an expulsion hearing for D.K.V.; (2) taking any action to expel D.K.V. as a student at IDEA PUBLIC SCHOOLS or IDEA ALAMO COLLEGE PREP or any school owned or affiliated with IDEA PUBLIC SCHOOLS; (3) taking any action to remove D.K.V. from the current education setting in place when Defendant was notified of the due process appeal on or about October 25, 2019.

3. A permanent injunction be ordered on final trial of this cause, enjoining Defendant, its attorneys, trustees, substitute trustees, agents, servants, representatives, assignees, substitutes, and employees, from (1) conducting an expulsion hearing for D.K.V.; (2) taking any action to expel D.K.V. as a

CL-19-5608-A

student at IDEA PUBLIC SCHOOLS or IDEA ALAMO COLLEGE PREP or any school owned or affiliated with IDEA PUBLIC SCHOOLS; (3) taking any action to remove D.K.V. from the current education setting in place when Defendant was notified of the due process appeal on or about October 25, 2019.

4. The court render a declaratory judgment under the Texas Declaratory Judgments Act that Defendant is barred from conducting an expulsion hearing for D.K.V. or from expelling D.K.V. while the due process appeal to the Texas Education Agency is pending.
5. Plaintiffs be awarded their reasonable attorney's fees under the Texas Declaratory Judgments Act, with a contingent award in the event of appeal.
6. Plaintiffs be awarded costs of court and post-judgment interest at the rate allowed by law on judgments.
7. Such other and further relief, at law or at equity, as to which Plaintiffs may be justly entitled.

Respectfully submitted,

/s/Kelly K.McKinnis
KELLY K. McKINNIS
Texas Bar No. 13725200
3423 W. Alberta Road
Edinburg TX 78539
mckinnis22@yahoo.com
956.686.7039

ATTORNEY FOR PLAINTIFFS

Exhibit A

CL-19-5608-A

STATE OF TEXAS

S VERIFICATION

HIDALGO COUNTY

S
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S

BEFORE ME, the undersigned authority, on this day personally appeared DANIEL VASQUEZ, who upon being duly sworn upon oath, stated as follows:

"My name is DANIEL VASQUEZ. I am over the age of eighteen years, and am otherwise competent to make this affidavit. I have personal knowledge of all facts stated herein. . I have personal knowledge of all facts stated herein. All facts stated herein are true and correct.

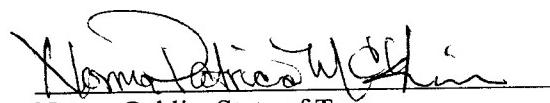
"I have read the foregoing petition, and it is true and correct."

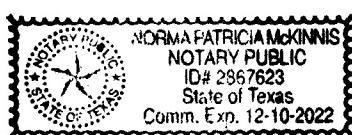
FURTHER THE AFFIANT SAYETH NOT.



DANIEL VASQUEZ, Affiant

SUBSCRIBED AND SWORN by the said DANIEL VASQUEZ, to certify which witness my hand and seal of office this 26 day of October, 2019.



Notary Public, State of Texas**Exhibit A**

CL-19-5608-A
REQUEST FOR SPECIAL EDUCATION DUE PROCESS HEARING

The Individuals with Disabilities Education Act (IDEA) provides for due process hearings to resolve disputes relating to the identification, evaluation, or placement of a student with a disability or regarding the provision of a free appropriate public education. IDEA also requires that the Texas Education Agency develop a model form to assist parties in requesting special education due process hearings.

The attached form may be used to request a due process hearing. You may use it to satisfy IDEA's notice requirements, or you may submit any written request that includes the name and address of the child, the name of the child's school, a description of the problem(s) and relevant facts to be reviewed at hearing, and a proposed resolution to the problem(s). Please note that the asterisked (*) information is required. If the request does not include all of the asterisked (*) information, the other party may challenge the sufficiency of the request.

This request is being filed by:

- Parent/Student
 School District or Other Local Education Agency (LEA)

Is this a request for an expedited due process hearing involving a special education disciplinary matter? Yes No

(A parent may request an expedited hearing **only** when the parent disagrees with a placement for disciplinary removals or with a manifestation determination. An LEA may request an expedited hearing **only** when the LEA believes that maintaining the current placement is substantially likely to result in injury to the student or to others).

STUDENT INFORMATION

*Name:	██████████ DKV	
Date of Birth:	03.30.03	
*Address:	21762 Brushline Rd Edinburg, Tx 78542	
*Additional contact information if student is homeless:		

PARENT, GUARDIAN, OR SURROGATE PARENT INFORMATION

Name:	Daniel & Rocio Vasquez	
Address:	21762 Brushline Rd Edinburg, tx 78542	
Phone Number(s):	(home)512-268-1999	(cell)956-400-9961
Email:	(optional)allpurposerv@gmail.com / dannyv65@outlook.com	

SCHOOL INFORMATION

School District:	Idea Public Schools	
*Campus:	Alamo Early College	

PERSON FILING THE REQUEST

Name:	Daniel Vasquez		
Relationship to Student:	<input checked="" type="checkbox"/> Parent	<input type="checkbox"/> LEA	<input type="checkbox"/> Self
	<input type="checkbox"/> Legal Guardian/ Surrogate Parent		

ATTORNEY/ADVOCATE (IF APPLICABLE)

Name:	Maria Cordero		
Capacity:	<input type="checkbox"/> Attorney, Bar Number:	<input checked="" type="checkbox"/> Advocate	
Address:			
Phone:	(office)281-969-5944	(cell)956-477-9526	(fax)
Email:	mcorderoteam@gmail.com		

***Description of the Problem(s) and Relevant Facts:** Describe the nature of the problem(s) relating to a proposed initiation or change of placement or provision of free appropriate public education. Include relevant dates, specific events, and/or persons involved. You may add additional pages if necessary.

[REDACTED] Enrolled to the IDEA PUBLIC SCHOOL on school year 2015-2016. [REDACTED] was diagnosed 2012 with ADHD type ADD (ODD) Special Learning Disability, ophthalmoplegia of the left superior oblique & congenital nystagmus, Expressive language disorder, Attention or concentration deficit significant movement, Anxiety, chronic sinusitis disease with recurrent episodes of acute sinus disease, csf leaks and many more Health Impairment. The school did a re-evaluation dated 11/15/15 from there Licensed Specialist in School Psychology L.S.S.P Lic # 70770 Mara Wenzel M.A and shows she found & conformed he has ADHD with Health Impairment. [REDACTED] has been having behavior problems since day one . My wife did attend all the ARD Committee and asked what is been done in refence to his behavior problems in the school campus or classrooms and there was no respond in the meetings. We recived many call during the school year 2015-2016, 2017-2018 and present schoolyear, that he is miss behaving . My wife told me and i told her to tell the Special Ed teacher to modify the BIP and we do over part at home. Oct 1 st my wife called me she recived a call from the school that she needs to pick-up [REDACTED] for the day. She go there and was told to speak to the Pricipal Martinez told her they are tired for [REDACTED] behavior for the past 5 years and if she does not withdraw him from school she can chose the process but there is a due prosess and that will not help he go to collage, she withdrew [REDACTED] and called me what she did. i called the Principal and she told me the same thing. We set up a meeting with Special Ed on Oct 11 th that [REDACTED] has a due process. She agreed and re-rolled [REDACTED] on 10/15/19. The modifastation ARD Committee agreed that [REDACTED] behavior was not part of his disability. I told, he is ADHD ODD and he has a BIP and they told me there is no record for

***Description of Proposed Resolution:** Describe what you believe would be the complete remedy and resolution of the problem(s) to the extent that you know and have that information available to you. You may add additional pages if necessary.

I think this is a unique circumstances because the Idea Public School failed to provide services to my son and is confined to a room and he has Anxiety Disorder to and nothing is been adressed at this time to help [REDACTED]. We need to have a ARD Committee Manifestation Determination on how we go about to start the 504 transition to implement a Functional Behavior Assesment (FBA), (IEP) Behavior Intervention Plan. Present progress reports toward his behavior & set goals, instructional seating & length of time in the classroom.

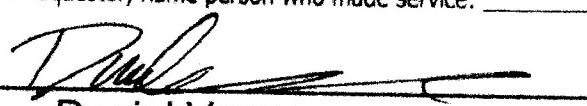
STATEMENT OF SERVICE

You are required by law to send or deliver a copy of any request for due process hearing to the other party and to the Texas Education Agency. Remember to retain a copy for your records. Please indicate your compliance with this requirement by checking the appropriate box below.

I have provided a copy of this request to all the named parties and to the Texas Education Agency by:

- First Class Mail
- Fax
- Hand Delivery (If other than requestor, name person who made service: _____)

10/25/2019

Signature: 

Printed Name: Daniel Vaquez

Mail or Fax this request to the other party and to Texas Education Agency

1701 North Congress Ave
Austin, Texas 78701
Fax: 512-463-6027

10/25/19
10/25/19



Hearing ID: Brittney Salazar
Commissioner Mike Morath

1701 North Congress Avenue • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • tea.texas.gov

DELIVERIES TO THE
TEXAS EDUCATION AGENCY
Visitors' Reception Desk

RECEIVED

DATE:

ITEM RECEIVED:

TEXAS RECEIVED
EDUCATION AGENCY
2019 OCT 25 PM 2: 52
DOCUMENT CONTROL CENTER
GRANTS ADMINISTRATION

C. Oftell

(Signature)

C. Oftell

(Print Name)

TEA Visitors' Reception Desk

THANK YOU

CL-19-5608-A

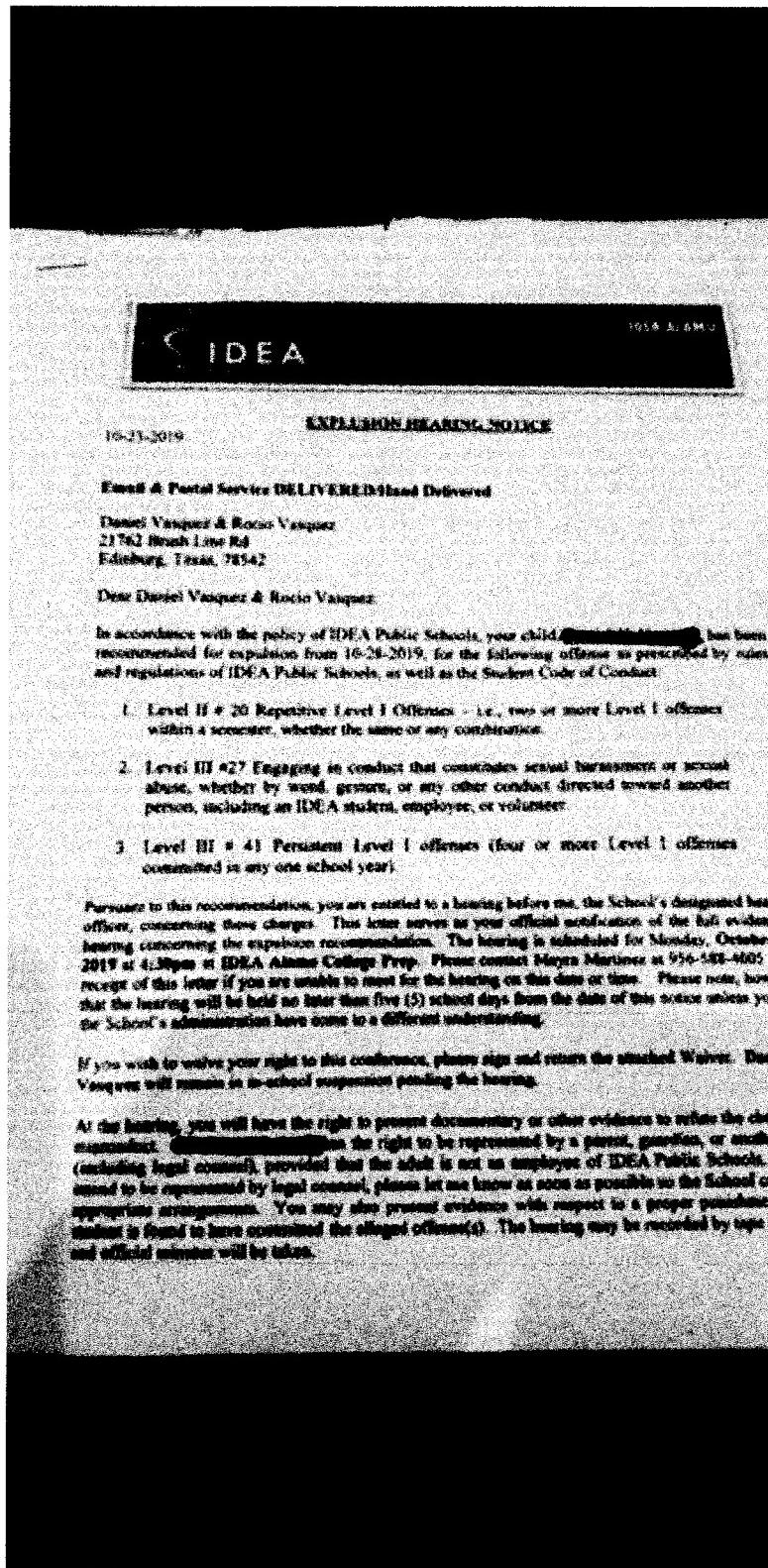


EXHIBIT 2

10-23-2019

EXPULSION HEARING NOTICE

Email & Postal Service DELIVERED/Email Delivered

Daniel Vasquez & Rocio Vasquez
21762 South Live Rd.
Edinburg, Texas, 78542

Dear Daniel Vasquez & Rocio Vasquez:

In accordance with the policy of IDEA Public Schools, your child, [REDACTED] has been recommended for expulsion from 10-28-2019, for the following offense as prescribed by rules and regulations of IDEA Public Schools, as well as the Student Code of Conduct:

1. Level II # 20 Repetitive Level I Offenses - i.e., two or more Level I offenses within a semester, whether the same or any combination.
2. Level III #27 Engaging in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including an IDEA student, employee, or volunteer.
3. Level III # 41 Persistent Level I offenses (four or more Level I offenses committed in any one school year).

Pursuant to this recommendation, you are entitled to a hearing before me, the School's designated hearing officer, concerning these charges. This letter serves as your official notification of the full evidentiary hearing concerning the expulsion recommendation. The hearing is scheduled for Monday, October 2019 at 4:30pm at IDEA Alamo College Prep. Please contact Meyer Martinez at 956-483-4605 if receipt of this letter if you are unable to meet for the hearing on this date or time. Please note, however, that the hearing will be held no later than five (5) school days from the date of this notice unless the School's administration have come to a different understanding.

If you wish to waive your right to this conference, please sign and return the attached Waiver. Due to Vasquez will receive an in-school suspension pending the hearing.

At the hearing, you will have the right to present documentary or other evidence to refute the charges. [REDACTED] has the right to be represented by a parent, guardian, or adult representative. [REDACTED] provided that the adult is not an employee of IDEA Public Schools. (including legal counsel); provided that the adult is not an employee of IDEA Public Schools, (including legal counsel), please let me know as soon as possible so the School can afford to be represented by legal counsel; please let me know as soon as possible so the School can afford to be represented by legal counsel; you may also present evidence with respect to a proper procedure (procedural exception). You may also present evidence with respect to a proper procedure (procedural exception). You may also present evidence with respect to a proper procedure (procedural exception). You may also present evidence with respect to a proper procedure (procedural exception). You may also present evidence with respect to a proper procedure (procedural exception). The hearing may be recorded by tape and official minutes will be taken.

Exhibit A

CL-19-5608-A**EXHIBIT 3**

STATE OF TEXAS

S

COUNTY OF HIDALGO

S AFFIDAVIT

S

BEFORE ME, the undersigned authority, on this day personally appeared DANIEL VASQUEZ, who upon being duly sworn upon oath, stated as follow

"My name is DANIEL VASQUEZ. I am over the age of eighteen years, have never been convicted of a felony, and am otherwise competent to make this affidavit. I have personal knowledge of all facts stated herein. All facts stated herein are true and correct.

"My spouse and I are the parents of D.K.V., a disabled child who attends school at IDEA PUBLIC SCHOOLS College Prep Alamo campus. D.K.V. qualifies as a disabled child under Section 504 of the Rehabilitation Act of 1973.

"I and Defendant IDEA PUBLIC SCHOOLS have had numerous discussion regarding the child. My wife and I recently learned that Defendant had no behavior improvement plan in place for the child Daniel Vasquez since 2015. My spouse and I grew dissatisfied with Defendant and filed a due process appeal to the TEA. A true copy is attached as Exhibit 1.

"Defendant IDEA PUBLIC SCHOOLS has scheduled an expulsion hearing for D.K.V. on October 28, 2019 at 4:30 p.m. A true copy is attached as Exhibit 2.

"The Idea Public Schools Student And Parent Handbook states at page 56:

Suspension/Expulsion Requirement

A student with a disability shall not be removed from his or her current placement for disciplinary reasons and/or pending appeal to the Board of Directors for more than ten days without ARD Committee action to determine appropriate services in the interim and otherwise in accordance

CL-19-5608-A

with applicable federal and state law. *If a special education due process appeal to a TEA special education hearing officer is made, the student with a disability shall remain in the then current education setting in place at the time such appeal is noticed to IPS, unless IPS and the student's parents agree otherwise.*

Idea Public Schools Student And Parent Handbook. page 56 [italicized boldface emphasis added].

"Defendant is attempting to wrongfully go forward with the expulsion hearing and wrongfully expel D[REDACTED] K. V[REDACTED] even though the Defendant's own rules provide that the student shall remain in the then current education setting in place at the time such appeal is noticed to IPS, meaning that the student shall NOT BE EXPELLED."

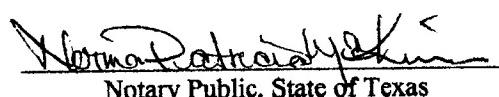
"The child's educational discipline history is unique, and no amount of money could compensate my spouse and I and our child for the loss of due process and loss of reputation should the Defendant be allowed to go forward with the expulsion and expulsion hearing."

"My spouse, myself and our child will be irreparably harmed unless the Court intervenes to enjoin the expulsion hearing and expulsion of D[REDACTED] K. V[REDACTED] because the loss of due process and loss of reputation would leave us with damage to the child's educational discipline history and would be wrongful in that Defendant's own policies prohibit expulsion while a due process appeal is pending with the Texas Education Agency."



DANIEL VASQUEZ, Affiant

SUBSCRIBED AND SWORN by the said DANIEL VASQUEZ, to certify which witness my hand and seal of office this 26 day of October, 2019.

Norma Patricia McKinney
Notary Public, State of Texas

Exhibit A

CL-19-5608-A

with applicable federal and state law. *If a special education due process appeal to a TEA special education hearing officer is made, the student with a disability shall remain in the then current education setting in place at the time such appeal is noticed to IPS, unless IPS and the student's parents agree otherwise.*

Idea Public Schools Student And Parent Handbook. page 56 [italicized boldface emphasis added].

"Defendant is attempting to wrongfully go forward with the expulsion hearing and wrongfully expel D[REDACTED] K. V[REDACTED] even though the Defendant's own rules provide that the student shall remain in the then current education setting in place at the time such appeal is noticed to IPS, meaning that the student shall NOT BE EXPELLED.

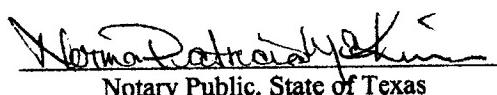
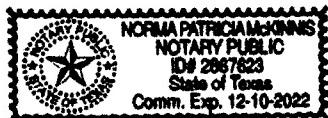
"The child's educational discipline history is unique, and no amount of money could compensate my spouse and I and our child for the loss of due process and loss of reputation should the Defendant be allowed to go forward with the expulsion and expulsion hearing.

"My spouse, myself and our child will be irreparably harmed unless the Court intervenes to enjoin the expulsion hearing and expulsion of D[REDACTED] K. V[REDACTED] because the loss of due process and loss of reputation would leave us with damage to the child's educational discipline history and would be wrongful in that Defendant's own policies prohibit expulsion while a due process appeal is pending with the Texas Education Agency."



DANIEL VASQUEZ, Affiant

SUBSCRIBED AND SWORN by the said DANIEL VASQUEZ, to certify which witness my hand and seal of office this 26 day of October, 2019.



Norma Patricia McKinney
Notary Public, State of Texas

Exhibit A

CAUSE NO. CL-19-5608-A

TEMPORARY RESTRAINING ORDER

DANIEL VASQUEZ and ROCIO VASQUEZ AS NEXT FRIENDS OF D.K.V., A Child, Plaintiffs in this cause, have filed a verified petition for a temporary injunction and, in connection therewith, has presented a request for a temporary restraining order, as set forth in Plaintiffs' Original Petition And Request For Injunctive Relief. It clearly appears from the facts set forth in Plaintiff's verified petition and affidavit of DANIEL VASQUEZ that unless IDEA PUBLIC SCHOOLS, Defendant, is immediately restrained from

directly or indirectly

(1) conducting an expulsion hearing for D.K.V., the Plaintiffs' child;

(2) taking any action to expel D.K.V., the Plaintiffs' child, as a student at IDEA PUBLIC SCHOOLS or IDEA ALAMO COLLEGE PREP or any school owned or affiliated with IDEA PUBLIC SCHOOLS; and

(3) taking any action to remove D.K.V., the Plaintiffs' child, from the current education setting in place when Defendant was notified of the due process appeal on or about October 25, 2019;

said Defendant will commit or cause to be committed the foregoing acts before notice can be given and a hearing is had on Plaintiffs' request for a temporary injunction; and that if the

commission of these acts is not restrained immediately, Plaintiffs will suffer irreparable injury in the loss of due process and loss of reputation would leave Plaintiffs with damage to the child's educational discipline history and would be wrongful in that Defendant's own policies prohibit expulsion while a due process appeal is pending with the Texas Education Agency.

IT IS THEREFORE ORDERED that IDEA PUBLIC SCHOOLS, Defendant in this cause, as well as its attorneys, representatives (including **Mayra Martinez**), trustees, agents, servants, representatives, assignees, substitutes, successors, and employees, be, and hereby are, commanded forthwith to desist and refrain from directly or indirectly

directly or indirectly

(1) conducting an expulsion hearing for D.K.V., the Plaintiffs' child;

(2) taking any action to expel D.K.V., the Plaintiffs' child, as a student at IDEA PUBLIC SCHOOLS or IDEA ALAMO COLLEGE PREP or any school owned or affiliated with IDEA PUBLIC SCHOOLS; and

(3) taking any action to remove D.K.V., the Plaintiffs' child, from the current education setting in place when Defendant was notified of the due process appeal on or about October 25, 2019;

from the date of entry of this order until and to the fourteenth day after entry or until further order of this Court.

IT IS FURTHER ORDERED that IDEA PUBLIC SCHOOLS, Defendant, appear before the Honorable RUDY GONZALEZ, Judge of the above-named Court, on the 6th day of November, 2019, at 9:00 o'clock a.m., in the courtroom of the County Court At Law Number 1 of Hidalgo County, Texas, located at 100 N. Closner, Edinburg, Texas 78539, then and there to show cause, if any there be, why a temporary injunction should not be issued as

requested by Plaintiffs. The clerk of this Court is hereby directed to issue a show cause notice to Defendant IDEA PUBLIC SCHOOLS, to appear at the temporary injunction hearing.

The clerk of the above-entitled Court shall forthwith, on the filing by Plaintiffs of the bond hereinafter required, and on approving the same according to the law, issue a temporary restraining order in conformity with the law and the terms of this order.

This order shall not be effective unless and until Plaintiffs execute and file with the clerk a bond, in conformity with the law, in the amount of One Hundred dollars (\$100.00). IT IS FURTHER ORDERED that Plaintiffs may post the bond by filing Affidavits of Surety.

SIGNED this 28th day of October, 2019, at 2:15 o'clock p.m.


JUDGE PRESIDING

cc: Kelly K. McKinnis [mckinnis22@yahoo.com]

CAUSE NO. CL-19-5608-A

DANIEL VASQUEZ AND ROCIO S
VASQUEZ AS NEXT FRIENDS OF DKVS

DK.V., [REDACTED] A CHILD S

VS. S

IDEA PUBLIC SCHOOLS S

IN THE COUNTY COURT

AT LAW NUMBER 1

HIDALGO COUNTY, TEXAS

BOND

Whereas, in the above-numbered Cause pending in the above-specified County Court At Law of Hidalgo County, Texas, styled Daniel Vasquez et al. v. IDEA Public Schools, the Honorable Judge, did on the 28 day of October, 2019, sign an order granting a temporary restraining order against IDEA PUBLIC SCHOOLS, its servants, agents, substitute trustees, and employees, and requiring DANIEL VASQUEZ and ROCIO VASQUEZ, Plaintiffs, to make, execute, and file a bond in the sum of **ONE HUNDRED DOLLARS (\$100)**, payable to the adverse party before the issuance of the writ of temporary restraining order; therefore:

Know all men by these presents, that we, the undersigned DANIEL VASQUEZ and ROCIO VASQUEZ, as principals, and **MIRIAM CASTILLO and UVALDO HERNANDEZ-DE LA ROSA**, as sureties, acknowledge

Ourselves bound to pay IDEA PUBLIC SCHOOLS the sum of **ONE HUNDRED DOLLARS (\$100)**, conditioned that DANIEL VASQUEZ and ROCIO ASQUEZ will abide by the decision that may be made in the aforesaid cause, and that they will pay all sums of money and costs that may be adjudged against them if the temporary restraining order issued on October 28, 2019, in the aforesaid cause, enjoining IDEA PUBLIC SCHOOLS, shall be dissolved in whole or in part.

WITNESS our hands this 28 day of October, 2019.

PRINCIPALS:



DANIEL VASQUEZ

Mailing address:

21762 Brushline Rd
Edinburg TX 78542

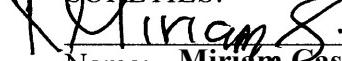


ROCIO VASQUEZ

Mailing Address:

21762 Brushline Rd
Edinburg TX 78542

SURETIES:



Name: Miriam Castillo
Mailing Address:
415 N Alamo rd
Edinburg TX 78541

X Uvaldo Hernandez De La Rosa
Name: Uvaldo Hernandez - De La Rosa

Mailing Address:

4150 Alamo Rd
Edinburg Tx 78541

APPROVED & FILED: October ___, 2019.

ARTURO GUAJARDO, JR.
Clerk of Court
County Courts At Law of Hidalgo County, Texas

By: _____
Deputy Clerk

CAUSE NO. CL-19-5608-A

DANIEL VASQUEZ AND ROCIO
VASQUEZ AS NEXT FRIENDS OF
D.K.V.,
Plaintiffs

S IN THE COUNTY COURT

S

S A CHILD,

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S

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VS.S AT LAW NUMBER 1

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IDEA PUBLIC SCHOOLS,
Defendant

HIDALGO COUNTY, TEXAS

AFFIDAVIT OF SURETY

BEFORE ME, the undersigned authority, on this day personally appeared Miriam Castille who upon being duly sworn upon oath, deposed and stated as follows:

"My name is Miriam Castille. I am over the age of 18 years and have never been convicted of a felony or declared mentally incompetent. I have personal knowledge of all facts stated herein. All facts stated herein are true and correct.

"I have agreed to serve as a surety for the Plaintiffs on the request for injunctive relief filed in the above-styled case.

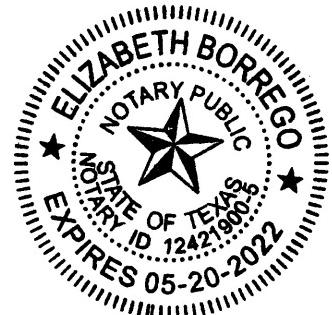
"I have a net worth in excess of TWO THOUSAND FIVE DOLLARS (\$2,500.00), and I have assets in the State of Texas of a value in excess of \$2,500.00 that are subject to execution."

FURTHER THE AFFIANT SAYETH NOT.

Miriam
Affiant

SUBSCRIBED AND SWORN to before me the said Elizabeth Borrego, to certify which witness my hand and seal of office this 27 day of October, 2019.

Elizabeth Borrego
Notary Public, State of Texas



CAUSE NO. CL-19-5608-A

DANIEL VASQUEZ AND ROCIO S IN THE COUNTY COURT
VASQUEZ AS NEXT FRIENDS OF D.K.V.S.
D.K.V.S. A CHILD, S
Plaintiffs S
S
VS. S AT LAW NUMBER 1
S
IDEA PUBLIC SCHOOLS, S
Defendant S HIDALGO COUNTY, TEXAS

AFFIDAVIT OF SURETY

BEFORE ME, the undersigned authority, on this day personally appeared Ubaldo Hernandez - De La Rose, who upon being duly sworn upon oath, deposed and stated as follows:

"My name is Ubaldo Hernandez - De La Rose. I am over the age of 18 years and have never been convicted of a felony or declared mentally incompetent. I have personal knowledge of all facts stated herein. All facts stated herein are true and correct.

"I have agreed to serve as a surety for the Plaintiffs on the request for injunctive relief filed in the above-styled case.

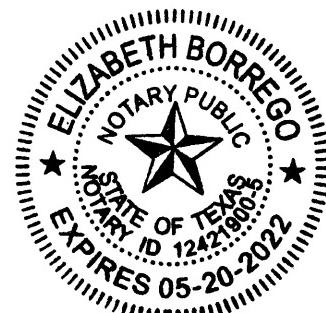
"I have a net worth in excess of TWO THOUSAND FIVE DOLLARS (\$2,500.00), and I have assets in the State of Texas of a value in excess of \$2,500.00 that are subject to execution."

FURTHER THE AFFIANT SAYETH NOT.

Ubaldo Hernandez
Affiant

/before
SUBSCRIBED AND SWORN to by the said Elizabeth Borrego, to certify which witness my hand and seal of office this 27 day of October, 2019.

Elizabeth Borrego
Notary Public, State of Texas



TEMPORARY RESTRAINING ORDER

THE STATE OF TEXAS

CASE NO. CL-19-5608-A

TO: IDEA PUBLIC SCHOOLS
BY SERVING ITS PRINCIPAL MAYRA MARTINEZ
325 KANSAS
ALAMO TX 78516

Whereas DANIEL VASQUEZ AND ROCIO VASQUEZ AS NEXT FRIENDS OF D.K.V., A CHILD filed a petition in the County Court at Law of Hidalgo County, Texas, on, the 28th day of October, 2019 in a suit numbered CL-19-5608-A on the docket of said Court, wherein DANIEL VASQUEZ AND ROCIO VASQUEZ AS NEXT FRIENDS OF D.K.V., A CHILD are Plaintiffs and IDEA PUBLIC SCHOOLS Defendant, alleging a cause of action and the action of the Judge thereon, all of which is more fully shown by a true and correct copy of PLAINTIFFS Petition and the Judge's fiat thereon which are attached hereto; and

Whereas, the said PLAINTIFFS has executed and filed with the Clerk a Bond in the sum of \$100.00 payable and conditioned as required by law and the order of the Judge;

YOU ARE THEREFORE COMMANDED TO TAKE NOTICE OF SUCH PETITION, and to desist and refrain from

*** PLEASE SEE ATTACHED CERTIFIED COPY OF DOCUMENTS ***

and obey and execute the order of the Judge until and pending the hearing of such petition in the Courtroom of this Court in Edinburg, Texas, on the 6th day of November, 2019 at 9:00 AM o'clock when and where you will appear to show cause why injunction should not be granted upon such petition effective until final decree in such suit.

ISSUED this the 28th day of October, 2019

WITNESS: ARTURO GUAJARDO, JR. of the County Court at Law of Hidalgo County, Texas,

Given under my hand and seat of office, at Edinburg, Texas, this the 28th day of October, 2019.

Deputy

ATTEST: ARTURO GUAJARDO, JR.
COUNTY CLERK, HIDALGO COUNTY, TEXAS
100 N CLOSNER
EDINBURG, TEXAS 78539
COUNTY COURT AT LAW #1

Taxed _____

By: _____ Deputy
OSCAR GONZALEZ

Return Recorded _____

SHERIFF'S RETURN

Came to hand the _____ day of _____, 20 __, at ____ o'clock __ .M., and executed the _____ day of _____, 20 __, at ____ o'clock, __ .M., by delivering to the within named Defendant _____ at _____ in _____ County, Texas, in person, a true copy of this Writ of Temporary Restraining Order and Notice, and the accompanying copy of Plaintiff's Petition.

Fees -- \$ _____

J. E. "Eddie" Guerra, Hidalgo County Sheriff

Mileage - _____

By: _____, Deputy

Total -- \$ _____

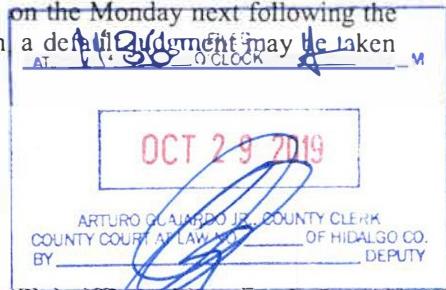
W^RIT OF TEMPORARY RESTRAINING ORDER AND
NOTICE

CAUSE NO. CL-19-5608-A

THE STATE OF TEXAS
COUNTY OF HIDALGO

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. ~~on the Monday next following the expiration of twenty (20) days after you were served this citation and petition~~ a default judgment may be taken ~~at 10:00 o'clock~~ ~~in~~"

To: IDEA PUBLIC SCHOOLS
BY SERVING ITS PRINCIPAL MAYRA MARTINEZ
325 KANSAS
ALAMO TX 78516



GREETINGS: You are commanded to appear by filing a written answer to the Plaintiff's petition at or before 10 o'clock A.M. on or before the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable County Court At Law #1 of Hidalgo County, Texas, by and through the Hidalgo County Clerk at 100 N. Closner, First Floor, Edinburg, Texas 78539.

Said Plaintiff's Petition was filed in said Court, on the 28th day of October, 2019 in this Cause Numbered CL-19-5608-A on the docket of said Court, and styled,

DANIEL VASQUEZ; ROCIO VASQUEZ AS NEXT FRIENDS OF D.K.V., A CHILD
vs.
IDEA PUBLIC SCHOOLS

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition And Request For Injunctive Relief accompanying this Citation and made a part hereof.

NAME & ADDRESS OF ATTORNEY FOR PLAINTIFF:

KELLY K MCKINNIS
3423 W ALBERTA ROAD
EDINBURG TX 78539

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Edinburg, Texas this 28th day of October, 2019.



ARTURO GUAJARDO, JR.
COUNTY CLERK, HIDALGO COUNTY, TEXAS
100 N. CLOSNER
EDINBURG, TEXAS 78539
COUNTY COURT AT LAW #1

BY OSCAR GONZALEZ DEPUTY

SHERIFF'S/CONSTABLE'S/CIVIL PROCESS

SHERIFF'S RETURN

Came to hand on the 28 day of October, 20 19, at 3:15 o'clock pm.
M., by Deputy (Sheriff/Constable)/Civil Process Server and to-wit the following:

DEFENDANT SERVED

Service was EXECUTED on the above referenced Defendant, in person, in Hidalgo County, Texas and served with a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the Plaintiff's Petition, at the following

Date, time, and place, to-wit:

NAME Idea Public Sch DATE 10/28/19 TIME 4:15 PM PLACE 325 Kansas
Agent Maryra Martinez Juan Diaz Alamo
By: Juan Diaz By: _____
CIVIL PROCESS SERVER DEPUTY SHERIFF/CONSTABLE

DEFENDANT NOT SERVED

Service was ATTEMPTED at the above address on the above referenced Defendant on the following date(s) and time(s), but to no avail:

NAME _____ DATE _____ TIME _____ PLACE _____

NAME _____ DATE _____ TIME _____ PLACE _____

NAME _____ DATE _____ TIME _____ PLACE _____

By: _____ By: _____
CIVIL PROCESS SERVER DEPUTY SHERIFF/CONSTABLE

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Frank Brady, my date of birth is 1/8/44 and my address is
P.O. Box 2304 San Juan TX. I declare under penalty of perjury that the foregoing is true and correct
EXECUTED in Hidalgo County, state of Texas, on the 28 day of October, 2019.

DECLARANT

Frank Brady
930 21-7357

If Certified by the Supreme Court of Texas
Date of Expiration /SCH Number

TEMPORARY RESTRAINING ORDER

THE STATE OF TEXAS

CASE NO. CL-19-5608-A

TO: IDEA PUBLIC SCHOOLS
BY SERVING ITS PRINCIPAL MAYRA MARTINEZ
325 KANSAS
ALAMO TX 78516



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Whereas, the said PLAINTIFFS has executed and filed with the Clerk a Bond in the sum of \$100.00 payable and conditioned as required by law and the order of the Judge;

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and obey and execute the order of the Judge until and pending the hearing of such petition in the Courtroom of this Court in Edinburg, Texas, on the 6th day of November, 2019 at 9:00 AM o'clock when and where you will appear to show cause why injunction should not be granted upon such petition effective until final decree in such suit.

ISSUED this the 28th day of October, 2019

WITNESS: ARTURO GUAJARDO, JR. of the County Court at Law of Hidalgo County, Texas,

Given under my hand and seat of office, at Edinburg, Texas, this the 28th day of October, 2019.

Deputy



ATTEST: ARTURO GUAJARDO, JR.
COUNTY CLERK, HIDALGO COUNTY, TEXAS
100 N CLOSNER
EDINBURG, TEXAS 78539
COUNTY COURT AT LAW #1

Taxed _____

Return Recorded _____

Deputy

By: OSCAR GONZALEZ

SHERIFF'S RETURN

Came to hand the 28 day of October, 2019, at 3:15 o'clock P.M., and executed the 28 day of October, 2019, at 4:15 o'clock, P.M., by delivering to the within named Defendant Ideal Public school Agent - Mayra Martinez at 325 Kansas Alamo in Hidalgo County, Texas, in person, a true copy of this Writ of Temporary Restraining Order and Notice, and the accompanying copy of Plaintiff's Petition.

Fees -- \$ _____

J. E. "Eddie" Guerra, Hidalgo County Sheriff

Mileage - _____

By: Audie Deas, Deputy

Total -- \$ _____

W^RIT OF TEMPORARY RESTRAINING ORDER AND
NOTICE